

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:16-cv-483-GCM  
3:01-cr-189-GCM-4**

<b>CHAD ERIC SIMPSON,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>UNITED STATES OF AMERICA,</b>	)	<b><u>ORDER</u></b>
	)	
<b>Respondent.</b>	)	
<hr/>	)	

**THIS MATTER** is before the Court on Petitioner’s Unopposed Motion to Lift Order of Abeyance, (Doc. 8).

The Court conducted an initial screening of Petitioner’s Motion to Vacate filed pursuant to 28 U.S.C. § 2255, (Doc. No. 1), and ordered the Government to respond. (Doc. No. 4). The Government filed a Motion to Stay, (Doc. No. 5), that was granted due to the pendency of United States v. Ali, No. 15-4433 and United States v. Simms, 15-4640, (Doc. No. 6). Although Ali has not yet been finally decided, Petitioner filed a Supplemental Memorandum asking for expedited consideration of his claims. He argues that the stay should be lifted because his § 2255 claim can be decided based on United States v. Davis, 139 S.Ct. 2319 (2019), and United States v. Simms, 914 F.3d 229 (4<sup>th</sup> Cir. 2019). Counsel represents that the Government agrees that the stay should be lifted. The Motion will be granted.

**IT IS, THEREFORE, ORDERED** that

1. Petitioner’s Unopposed Motion to Lift Order of Abeyance, (Doc. 8), is **GRANTED**.
2. The Clerk of Court is instructed to lift the Order of Abeyance, (Doc. No. 6), and

reopen this case.

3. The Respondent shall file an Answer or other response no later than **September 26, 2019**.

Signed: August 30, 2019

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

